IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Con.Case(C).No.900 of 2007(S)

AGAINST THE JUDGEMENT IN WA.5/2006 Dated 18/07/2006
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PETITIONER/APPELLANT:

M.V.KURIAKOSE, S/O. VARGHESE,
AGED 57, MANNAPARAMBIL HOUSE, CHEMPERI,P.O.KANNUR.
(RETD. PHYSICAL EDUCATION TEACHER, NIRMALA HIGH SCHOOL,
CHEMPERI,TALIPARAMBA, KANNUR).

BY ADV. SRI.K.S.MADHUSOODANAN

RESPONDENT/1ST RESPONDENT:

FR. ANTONY MUTHUKUNNEL, AGED 47,
S/O. LATE JOSEPH, RESIDING AT SANDESHA BHAVAN,
THALASSERY (CORPORATE MANAGER, CORPORATE EDUCATIONAL
AGENCY, SANDESH BHAVAN, ARCH DIOCESE OF THALASSERY
THALASSERY).

BY ADV. SRI.P.SANKARANKUTTY NAIR
SRI.T.V.AJAYAKUMAR

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C) No.900 of 2007

Dated, this the 9th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

This Court while disposing of W.A.No.5 of 2006 on 18th July, 2006 has issued the following direction. The same reads as under:

> "Facing with this situation, the first respondent Manager submits before us that whatever amount liable to be paid to the appellant/petitioner, would be paid within two months. Recording this submission, the writ appeal is closed, leaving open whatever remedies otherwise available to the Manager."

2. Complaining that the respondent has not complied with the positive direction issued by this Court, petitioner in the writ petition is before us in the present contempt petition.

3. The learned counsel appearing for the contemnor today hands over a cheque for Rs.97,152/- to the learned counsel appearing for the complainant. The same is accepted by the learned counsel for the complainant.

4. In view of this development, in our view, there is substantial compliance with the orders and directions issued by this Court. Therefore, the contempt proceedings need not be continued further and they are accordingly dropped. However, liberty is reserved to the complainant to approach this Court in case the cheque issued by the contemnor is not honoured.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns